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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	LayerZero Power Systems, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	8893 Lake In The Woods Trail Chagrin Falls, OH 44023 UNITED STATES		

Correspondence information	Stephen A. Hill Rankin, Hill & Clark LLP 38210 Glenn Avenue Willoughby, OH 44094-7808 UNITED STATES docketing@rankinhill.com Phone:216-566-9700
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### Registration Subject to Cancellation

Registration No	3898637	Registration date	01/04/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	Alternative Energy Technology Pte. Ltd. #16-00 Robinson 77 77 Robinson Road Singapore 068896, SINGAPORE		

### Goods/Services Subject to Cancellation

Class 009.

All goods and services in the class are cancelled, namely: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical and electronic apparatus and equipment, not including generators, all for use in distributing energy obtained from alternative energy sources; electric and electronic control devices for energy management; software for managing energy and power needs; fuel cells; power cables; photovoltaic cells and modules; photovoltaic apparatus and installations for the transformation of solar energy into electricity; photovoltaic solar electric installations for use in electrification; electrical cells and batteries; integrated circuits; light conducting filaments; printed circuits; solar batteries; computer software for the accumulation, distribution, regulation, storage, control, generation, production or supply of renewable energy; downloadable electronic publications in the nature of magazines, newsletters, books and manuals on the subjects of alternative energy and managing energy and power needs; solar cells; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar modules; electronic testing equipment, namely, apparatus for testing solar cells and photovoltaic solar modules; photoelectric sensors; calibrated photovoltaic reference cells; ampere-hour meters; electrical charge controllers, voltage regulators and monitors; replacement parts for all the aforesaid goods; all the aforesaid goods for use in the field of renewable energy

### Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

## Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77963192	Application Date	03/19/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EPODS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: electrical power distribution units, namely, electrical power distribution units that may combine voltage transformers, power distribution panels, solid state transfer switches or power monitoring electronics		

Attachments	572696.pdf(19341 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/stephen a hill/
Name	Stephen A. Hill
Date	06/05/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LAYERZERO POWER SYSTEMS, INC.,	)	
Petitioner,	)	
	)	
vs.	)	Cancellation No.
	)	
ALTERNATIVE ENERGY TECHNOLOGY	)	
PTE. LTD.,	)	
Respondent.	)	
	)	

**PETITION FOR CANCELLATION**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

In the matter of Registration No. 3,898,637 for the mark E-POD for “apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical and electronic apparatus and equipment, not including generators, all for use in distributing energy obtained from alternative energy sources; electric and electronic control devices for energy management; software for managing energy and power needs; fuel cells; power cables; photovoltaic cells and modules; photovoltaic apparatus and installations for the transformation of solar energy into electricity; photovoltaic solar electric installations for use in electrification; electrical cells and batteries; integrated circuits; light conducting filaments; printed circuits; solar batteries; computer software for the accumulation, distribution, regulation, storage,

control, generation, production or supply of renewable energy; downloadable electronic publications in the nature of magazines, newsletters, books and manuals on the subjects of alternative energy and managing energy and power needs; solar cells; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar modules; electronic testing equipment, namely, apparatus for testing solar cells and photovoltaic solar modules; photoelectric sensors; calibrated photovoltaic reference cells; ampere-hour meters; electrical charge controllers, voltage regulators and monitors; replacement parts for all the aforesaid goods; all the aforesaid goods for use in the field of renewable energy,” in international class 9; registered January 4, 2011, in the name of Alternative Energy Technology Pte. Ltd.

LayerZero Power Systems, Inc., a corporation duly organized under the laws of the state of Ohio, and having a business address of 8893 Lake In The Woods Trail, Chagrin Falls, Ohio 44023, believes that it is or will be damaged by registration of the mark shown in the above-identified registration, and hereby petitions to cancel same.

As grounds of opposition, it is alleged that:

1. Petitioner LayerZero Power Systems, Inc. is a leading supplier of static transfer switches, power distribution units, and remote power panels for data centers.

2. One of Petitioner's line of products are web-enabled power distribution units, which are identified by the mark ePODs are which provide uninterrupted three-phase electrical power and circuit breaker protection in mission-critical power distribution systems.

3. Petitioner's ePODs power distribution units are cabinets containing static transfer switches with optional transformers and power distribution. Intended for data centers and industrial applications, Petitioner's ePODs power distribution units provide complete power reliability, advanced monitoring capabilities, with remote management functionality and open connectivity.

4. Petitioner has for many years expended great effort in promoting and popularizing its goods under its ePODs mark.

5. Through adoption, long continued use, and extensive advertising and exposure and through the continuing efforts of Petitioner and others, Petitioner's mark E-POD has achieved recognition as a famous mark, and Petitioner has established, has maintained, and enjoys valuable goodwill in its ePODs mark.

6. Respondent's Registration No. 3,898,637 for the mark E-POD identifies "apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity" as goods in class 9, which are the same goods sold by Petitioner using its ePODs mark.

7. On information and belief, Petitioner avers that the registration of the mark in Registration No. 3,898,637 will work to Petitioner's disadvantage in that the good will attached to Petitioner's mark is likely to be extended to Respondent's mark without Petitioner's consent, thereby benefiting Respondent rather than Petitioner.

8. Respondent's mark E-POD is virtually identical to Petitioner's ePODs mark in significance, general appearance and verbal identification as to be likely to cause confusion, to cause mistake, or to deceive.

9. On information and belief, Petitioner avers that Respondent has made no lawful trademark use of the mark E-POD for the goods in class 9 recited in Registration No. 3,898,637 in commerce in or with the United States.

10. On information and belief, Petitioner avers that Respondent has abandoned the mark E-POD the goods in class 9 recited in Registration No. 3,898,637 because Petitioner did not have and does not have a bona fide intention to use the mark in commerce on the goods in the United States.

11. On information and belief, Petitioner avers that Respondent has abandoned the mark E-POD the goods in class 9 recited in Registration No. 3,898,637 because Petitioner has not used and does not intend to use the mark in commerce on the goods in the United States.

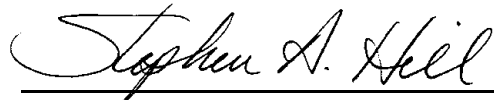
12. On information and belief, Petitioner avers that Respondent is not entitled to any priority in the United States with respect to the mark E-POD for the goods in class 9 recited in Registration No. 3,898,637 prior to the filing date of Singapore trademark application No. T0904722E, to wit, April 29, 2009.

13. Petitioner has used its ePODs in the United States on and in association with its goods for a significant period of time prior to April 29, 2009.

14. Upon information and belief, Respondent's proposed use of the mark E-POD for its goods is such that it is likely to create confusion, mistake or deception upon customers and potential customers as to the source of Respondent's goods, some customers believing or likely to believe that Respondent's goods using the mark E-POD derive from the same source as the goods rendered using Petitioner's ePODs mark.

15. On information and belief, Petitioner avers that in the eyes and minds of a large part of the public, the mark E-POD as presented in Registration No. 3,898,637 is such as to be closely associated with the goods with which Petitioner is using and has used Petitioner's ePODs mark; that Respondent's use of the mark E-POD will create a likelihood of confusion and will create a likelihood of deception of the public by causing it, upon seeing said mark for Respondent's goods, to believe that Respondent's goods are in reality Petitioner's goods, and is likely to interfere with or embarrass Petitioner and its free use of its ePODs mark; and that Registration No. 3,898,637 and Respondent's proposed use of the mark E-POD will result in damage to Petitioner.

WHEREFORE, Petitioner prays that this petition be granted and that Registration No. 3,898,637 be canceled.

A handwritten signature in cursive script, reading "Stephen A. Hill", positioned above a horizontal line.

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June 5, 2013